

CLERK'S OFFICE U.S. DISTRICT COURT
AT CHARLOTTESVILLE, VA
FILED

DEC 13 2022

LAURA A. AUSTIN, CLERK
BY: [Signature]
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville DIVISIONEbony Cosby

Plaintiff(s),

v.

CMA's Colonial Buick
GMC

Defendant(s).

(Enter the full name(s) of ALL parties in this lawsuit.

Please attach additional sheets if necessary).

Civil Action No.: 3:22-cv-76

(To be assigned by Clerk of District Court)

COMPLAINT

PARTIES

1. List all Plaintiffs. State the full name of the Plaintiff, address and telephone number. Do the same for any additional Plaintiffs.

a. Plaintiff No. 1

Name:

Ebony Cosby

Address:

813 Ridge St Charlottesville VA 22902

Telephone Number:

434-806-4647

b. Plaintiff No. 2

Name:

Address:

Telephone Number:

2. List all Defendants. State the full name of the Defendant, even if that Defendant is a government agency, an organization, a corporation, or an individual. Include the address where each Defendant may be served. Make sure that the Defendant(s) listed below are identical to those contained in the above caption of the complaint.

a. Defendant No. 1

Name: CMA's Colonial Buick GMC

Address: 100 Myers Dr Charlottesville VA 22902

b. Defendant No. 2

Name: _____

Address: _____

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g. Additional Defendants 2.c., 2.d., etc.).

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case. Federal courts also have jurisdiction over cases where the United States is a Defendant.

3. What is the basis for federal court jurisdiction?

☒ Federal Question ☐ Diversity of Citizenship ☐ Government Defendant

4. If the basis for jurisdiction is Federal Question, which Federal Constitution, statutory or treaty right is at issue? List all that apply.

Discrimination, Unfair practices, ~~unequal~~
unequal opportunity, Deprivation of rights
under color of law

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff No. 1: _____ State of Citizenship: _____

Plaintiff No. 2: _____ State of Citizenship: _____

Defendant No. 1: _____ State of Citizenship: _____

Defendant No. 2: _____ State of Citizenship: _____

Attach additional sheets of paper as necessary and label this information as paragraph 5. Check here if additional sheets of paper are attached. ☐

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Do not give any legal arguments or cite cases or statutes. Each paragraph must be numbered separately, beginning with number 6. Please write each single set of circumstances in a separately numbered paragraph.

- 1) 6. On 11/30 I was pre approved by GM Financial for a vehicle at CMA's Colonial Buick GMC. I inquired about a 2019 GMC Yukon on CMA's website and received an email ~~confirming~~ confirming my inquiry. I then called the dealership because I hadn't received a call from anyone. I asked to speak with any sales person as I was trying to purchase a vehicle. The receptionist transferred me to a salesman but he didn't answer. I proceeded to go in person to the dealership.
- 2) 7) When I arrived I was greeted by the receptionist and informed her I just want to speak with anyone about purchasing a vehicle. She stopped a salesman that was walking by and asked if he could help me.
- 3) 8) He took me to his office and I explained that I had a pre approval and the instructions was to head to the dealership. He took down my name and then told me that they didn't have the vehicle I wanted. I informed him that I was looking to purchase it used then he remembered that they

- they had the vehicle in stock after I pulled up the listing and gave him the ~~was~~ Stock #.
- 5) He stepped out his office to speak with his manager. I waited in his office for 15 minutes while he stood and laughed and joked with his coworkers. I grew agitated and left. I walked past him and coworkers no one stopped me to see if I needed help or if anything was wrong. I then ~~called~~ called the dealership and asked to speak with the General manager. I was transferred to someone named Nick. I informed him of my issues and he told me that there wasn't a pre approval sent over from GM Financial. He ~~wanted~~ that I apply for financing through one of the dealerships affiliated. I told him I will email the pre approval and that I only wanted to finance with GM Financial. He told me that he hadn't gotten my inquiry as well. I said well I received an email from him confirming my inquiry.
- 6) Nick informed me that I had to fill out another application through the dealership. I told Nick that's not what the instructions on the pre approval says. He told me he would check with GM Financial and give me a call back. He called me back and informed me that he gave the ~~pre~~ pre approval I emailed him to his finance manager and that he would give me a call later.
- 7) The finance manager called me and informed me that they work with other lenders that could get me a better deal. I told him to only send my credit application to GM Financial. He asked me questions ~~and~~ to fill out the credit application over the phone. I gave him the same information that I gave GM Financial. He told me he sent the application in and would call me ~~later~~ when he got an answer. He called me back and informed me that the application was declined. I asked him did he put the correct information in because the denial reason was because the amount was too high with ~~my~~ my debt to income ratio but I don't have any debt so that couldn't be true. I asked if he really submitted the application because I didn't have a ~~credit~~ credit inquiry he informed me that he did.
- 8) I called GM Financial several time and was to there wasn't

Additional Facts

a credit application but there was a pre approved application. GM Financial asked me to get the reference number to better locate the application. I called the dealership and asked to speak with a manager.

9) I spoke with Gavin and explained the situation he said the application came back denied. I asked for the reference number and he gave it to me. I called GM Financial and gave the reference number and the application couldn't be located. I was transferred ~~to~~ to the denial department and the application couldn't be located. I was informed to fill out a paper application and have it faxed.

10) I went into the dealership and met with Gavin and asked to fill out a ~~paper~~ paper application. I filled out the application and he told me he would call me with an answer. I asked for copies and confirmation number of application. He gave me the same reference number as the first application when I asked why was the number the same he informed me that because the information didn't change it was the same application. I told him the information did change but he insisted that was the only reference number given to him.

11) Gavin called me to tell me the application was denied. I asked what ~~was~~ was the reason and he said ~~that~~ they would mail me a letter explaining why it was denied. I then disconnected the call and called GM Financial to check if another application was sent. I spoke with several people from GM Financial that all confirmed that if there's a pre approval it will more likely be approved as long as the information doesn't change. And that there was no application sent in.

12) I then filed complaints with the CFPB, MVD of VA, and attorney general's office about ~~everything~~ everything that has taken ~~place~~ place. From the very start of my car ~~buying~~ journey. On 12/2/22 I called GM Financial to see if they had ~~received~~ received the applications and was told they had not.

Additional Facts

- 13) on 12/8/22 I called the dealership to ~~discuss~~ inform them that GM Financial approved funding and would be reaching out to someone to please be on a lock out. I was transferred to Gavin he told me he would have to speak with his manager. I asked if I could speak with him myself? He informed me that because I had made complaints they didn't want to do business with me. I asked him if he was even going to tell his manager because he just told me because I exercised my rights I am being retaliated which will cause another complaint. He told me they weren't doing ~~any~~ business with me and ~~disconnected~~ disconnected the call.
- 14) on 12/10/22 I ~~emailed~~ emailed the CEO of CMA and she read my email and did not respond. I called and left a voice mail with her ~~assistant~~ assistant no return phone call. On 12/12/22 I received a response to my complaint from MVDB of VA from Mrs. Borchers CEO of CMA in her response things were stated that was not true. I do not have a trade in and never mentioned a trade in. The response shows that they purposely retaliated ~~against~~ against me because of my complaints.
- 15) I have exhausted every avenue there is to rectify this unfair practices with no remedy.

Additional Facts

~~XXXXXXXXXX~~

Attach additional sheets of paper as necessary and label them as Additional Facts and continue to number the paragraphs consecutively. Check here if additional sheets of paper are attached. ☒

REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

~~XXXXXX~~

I would like to complete the purchase of the
~~white~~ vehicle be treated equally and with respect.
I would like actual damages in the amount of
\$80,000

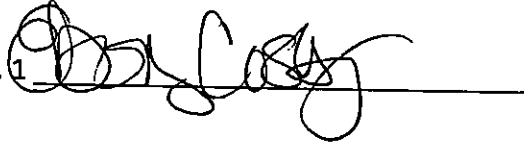
DEMAND FOR JURY TRIAL:

☐ YES

☒ NO

Signed this 13 day of December, 2022

Signature of Plaintiff No. 1



Signature of Plaintiff No. 2

NOTE: All Plaintiffs named in the caption of the complaint must date and sign the complaint. Attach additional sheets of paper as necessary.

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